

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PH-1933-PCT		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/001290	International filing date (day/month/year) 06.02.2004	Priority date (day/month/year) 30.06.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant HITACHI, LTD.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input checked="" type="checkbox"/> the international application as originally filed/furnished</p> <p><input type="checkbox"/> the description:</p> <p>pages _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the drawings:</p> <p>sheets _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	2, 3-6, 8-15, 17, 18, 20-24	YES
	Claims	1, 7, 16, 19	NO
Inventive step (IS)	Claims	4, 6, 10-13, 15, 22-24	YES
	Claims	1-3, 5, 7-9, 14, 16-21	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Document 1: JP 10-104114 A (Nissan Motor Co., Ltd.), 24 April 1998			
Document 2: JP 2003-155959 A (Denso Corp.), 30 May 2003			
Document 3: JP 2002-81349 A (Toyota Motor Corp.), 22 March 2002			
Document 4: JP 8-35452 A (Hitachi, Ltd.), 06 February 1996			
Claims 1 and 16			
<p>Document 1 discloses a device and a method for diagnosing evaporative leaks by means of a leak determination means that operates the pump while the evaporation purge system is shielded from the atmosphere by means of a shielding means and then determines whether or not there is a leak based upon the length of time that said pump was operated and the pressure change value after said pump is stopped.</p> <p>Therefore, the inventions set forth in claims 1 and 16 lack novelty in the light of document 1 cited in the international search report.</p>			

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claims 2 and 17

Document 2 discloses the feature of carrying out a process for determining whether or not there is a leak while the internal combustion motor is stopped.

Thus, it would have been easy for a person skilled in the art to conceive of employing the technical feature that is disclosed in document 2 in the device for diagnosing evaporative leaks that is disclosed in document 1; therefore, the inventions set forth in claims 2 and 17 do not involve an inventive step in the light of documents 1 and 2 cited in the international search report.

Claims 3 and 18

Document 1 discloses a configuration wherein there is determined to be a leak in cases when the length of time that the pump was operated exceeds a maximum period that was set in advance, and a configuration wherein there is determined to be a leak in cases when the pressure change value falls below a target pressure that was set in advance.

Thus, it would have been easy for a person skilled in the art to conceive of using both of the determination conditions that are disclosed in document 1; therefore, the inventions set forth in claims 3 and 18 do not involve an inventive step in the light of document 1 cited in the international search report.

Claim 5

Document 3 discloses the feature of prohibiting the implementation of a process for determining whether or not there is a leak in cases when the change in the

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

pressure of the shielded evaporation purge system exceeds a prescribed value.

Thus, it would have been easy for a person skilled in the art to conceive of employing the technical feature that is disclosed in document 3 in the device for diagnosing evaporative leaks that is disclosed in document 1; therefore, the invention set forth in claim 5 does not involve an inventive step in the light of documents 1 and 3 cited in the international search report.

Claims 7 and 19

Document 4 discloses a device and a method for diagnosing evaporative leaks by means of a leak determination means that operates the pump while the evaporation purge system is in a shielded state and then determines whether or not there is a leak based upon the changes in the pressure during the operation of said pump and the pressure change value after said pump has been stopped for a prescribed period of time.

Therefore, the inventions set forth in claims 7 and 19 lack novelty in the light of document 4 cited in the international search report.

Claims 8 and 20

It would have been easy for a person skilled in the art to conceive of employing the technical feature that is disclosed in document 2 in the device for diagnosing evaporative leaks that is disclosed in document 4; therefore, the inventions set forth in claims 8 and 20 do not involve an inventive step in the light of documents 2 and 4 cited in the international search report.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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Claims 9 and 21

Document 4 discloses a configuration wherein there is determined to be a leak in cases when the changes in the pressure during the operation of the pump exceed a prescribed pressure difference.

Meanwhile, document 1 discloses a configuration wherein there is determined to be a leak in cases when the pressure change value falls below a target pressure.

Thus, it would have been easy for a person skilled in the art to conceive of using both of the determination conditions that are disclosed in the documents in question; therefore the, inventions set forth in claims 9 and 21 do not involve an inventive step in the light of documents 1 and 4 cited in the international search report.

Claim 14

It would have been easy for a person skilled in the art to conceive of employing the technical feature that is disclosed in document 3 in the device for diagnosing evaporative leaks that is disclosed in document 4; therefore, the invention set forth in claim 14 does not involve an inventive step in the light of documents 3 and 4 cited in the international search report.

Claims 4, 6, 10 to 13, 15 and 22 to 24

The technical features that are set forth in the abovementioned claims are not disclosed or suggested in any of the documents that are cited in the international search report.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 15

Claim 15 cites claim 1; therefore, the content set forth therein is substantially the same as the content that is set forth in claim 6.

Claim 21

Claim 21 cites claim 7, which sets forth the invention of a device; therefore, it is unclear whether claim 21 is intended to set forth a method or a device.

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